United Nations S/PV.7485

Security Council

Seventieth year

Provisional

7485th meeting
Wednesday, 15 July 2015, 10 a.m.
New York

President:	Mr. Van Bohemen	(New Zealand)
Members:	Angola	Mr. Lucas
	Chad	Mr. Cherif
	Chile	Mr. Barros Melet
	China	Mr. Liu Jieyi
	France	Mr. Delattre
	Jordan	Mrs. Kawar
	Lithuania	Ms. Šorytė
	Malaysia	Mr. Ibrahim
	Nigeria	Mr. Laro
	Russian Federation	Mr. Churkin
	Spain	Mr. Oyarzun Marchesi
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Ms. Sison
	Venezuela (Bolivarian Republic of)	Mr. Ramírez Carreño

Agenda

Ths situation in Libya

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. The final text will be printed in the *Official Records of the Security Council*. *Corrections* should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org).

15-21952 (E)

Accessible document Please recycle

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Bernardino León, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

At this meeting, the Security Council will hear briefings by Mr. Bernardino León and by Ambassador Ramlan Bin Ibrahim, Permanent Representative of Malaysia, in his capacity as the Chair of the Committee established pursuant to resolution 1970 (2011).

I now give the floor to Mr. León.

Mr. León: Since my last briefing to the Council (S/PV.7398), the situation in Libya has continued to deteriorate amidst significant political fragmentation and violence. Too many Libyans have died in a fight among brothers, and far too much destruction has taken place. The chaos on the ground has also given way to the expansion of extremist groups, including Daesh affiliates, into a number of areas across the country. This vacuum of authority has also been exploited by human smugglers, and many refugees, asylum seekers and migrants are using the country as a launching area for an unprecedented surge in dangerous crossings of the Mediterranean.

The Libyan people have been crying out for an end to the chaos. I am pleased to report today that this message has been heard by a number of courageous Libyan leaders, who, on 11 July, in Skhirat, Morocco, initialled a political agreement. This act signalled the adoption of a framework for further talks and has brought the country one step closer to ending the conflict and fulfilling the goals of the 2011 revolution.

While some members of the dialogue were not present, the message in Skhirat was one of reconciliation and encouragement for all Libyans to join together to end the unnecessary state of affairs and suffering. The agreement was initialled by the dialogue committee of the Libyan House of Representatives, boycotting members of the House of Representatives and independent personalities, as well as a number of representatives of political parties and of municipalities from eastern and western Libya who witnessed a ceremony that was attended by the Foreign Minister of Morocco.

The initialling of the agreement is only one albeit important step forward in the process of addressing the political and institutional divisions. This initialling also marks a consensus on the text among the parties, with the clear understanding that it will not be further amended, without prejudice to the negotiations on its annexes.

The agreement sets out a comprehensive framework that will allow Libya to complete the transition that started in 2011. The text includes guiding principles and puts in place institutions and decision-making mechanisms to steer the transition until the adoption of a permanent constitution. It is intended to culminate in the creation of a modern, democratic State based on the principle of inclusion, the rule of law, separation of powers and respect for human rights.

I want to praise the Libyan participants for their achievement after months of tough negotiations. It is a Libyan agreement, developed by Libyan representatives through their relentless efforts and political determination. The multiple tracks of this process sought to involve all segments of Libyan society, from municipal representatives to political parties, women and activists who have been engaged since January and gathered in Algeria, Egypt, Tunisia, Switzerland and Morocco, and at the European Union in Brussels.

As members of the Council know, the dialogue committee of the General National Congress decided not to initial the agreement, although it remains committed to the dialogue process. As I mentioned in Skhirat, I want to emphasize that the door remains open for them to join. I also wish to emphasize and acknowledge their important role in developing the text. The agreement is also the fruit of their hard work, and they should not be on the sidelines as the shared vision for a solution to the crisis continues to take shape. The Libyan people have unequivocally expressed themselves as favouring peace, and I am confident that moderate voices will hear the call and work constructively to end the conflict

and bring Libya back to the path of stability, democratic transition and economic recovery.

Through the agreement, which has received strong support from the international community, important progress has been made. But I shall not shy away from underscoring that crucial work remains to be done to complete this first and significant development. As we move on to the next phase of negotiations, on the formation of a Government of national accord and the annexes to the agreement, I am confident that all remaining issues will be addressed. The Libyan people deserve a strong Government representing all Libyans, a Government that the international community can and will support, to address the many challenges that the country is facing.

Allow me to express my earnest gratitude to Morocco and all of Libya's neighbours for their support and generosity in hosting the many sessions of the dialogue. Their support, and that of many other countries, such as Algeria, Qatar, Saudi Arabia, Turkey and the United Arab Emirates, as well as the League of Arab States and the European Union, has been crucial in building consensus throughout the process. I also wish to thank the African Union and the forum of Libya's neighbouring countries for their support and for having provided important opportunities for crucial discussions and exchanges.

In western Libya, local ceasefires and reconciliation agreements have improved the security situation and allowed for an improvement in the humanitarian situation. A growing rapprochement between the cities of Misrata, Warshafana, Al-Zawiya and Zintan has been instrumental in facilitating the ceasefires.

In central Libya, Daesh-affiliated militants established full control over the city of Sirte and the surrounding coastal area. Misrata forces withdrew to the area of Abu Grain, some 75 kilometres east of Sirte, but continue to carry out air strikes and to block the Daesh advances westward. The prevailing political and security divisions within the country have prevented the development of a coordinated policy to deal with the threat of Daesh affiliates.

In Benghazi, clashes between the Shura Council of Benghazi Revolutionaries and Operation Dignity continue, with neither side making significant gains. The Shura Council of Benghazi Revolutionaries' early July offensive has not changed the situation on the ground. In Derna, hard-line Islamists from the Shura Council of Mujahedin in Derna ejected Daesh from the city in June.

The United Nations Support Mission in Libya (UNSMIL) has continued its efforts to convene the security track of the political dialogue. For that purpose, the Mission has organized a number of meetings with armed groups in Libya and abroad, and intensified its regular bilateral contacts with leaders of armed formations from all sides. We expect to have meetings in the coming weeks in Egypt and other countries of the region, and to convene the track of tribal leaders in Egypt, whose role has been equally important.

The role of security actors is another important part of the overall reconciliation effort and will be instrumental in sustaining, supporting and implementing the political agreement. We have listened to their concerns and taken on board their contributions, and it is my intention to convene all those involved in security before the final signing of the agreement.

With respect to the human rights situation in the country, violations and abuses of international human rights and humanitarian law have continued to take place with impunity across Libya, with the civilian population bearing the brunt of the protracted fighting. In Benghazi, where fighting has again escalated in recent days, the shelling of residential areas has led to the killing and injury of children and medical workers, as well as to further destruction of the civilian infrastructure. The two main hospitals still functioning, the Benghazi Medical Centre and the Jalaa hospital, have been hit. Armed men wielding hand grenades reportedly entered the Medical Centre on 5 July, threatening doctors and other staff. A number of civilians are believed to be trapped, including in Al-Blaad and Al-Sabri, as the warring parties fail to ensure their safe evacuation. More than half of the population in Benghazi is estimated to have left in a bid to escape the violence, and ongoing fighting is impeding humanitarian relief operations. The situation in Benghazi, birthplace of the revolution, remains of serious concern. We must refocus our efforts on that city in particular to try to put an end to the fighting, which has caused so much destruction.

In western Libya, periodic outbursts of fighting, including in residential areas, have led to the killing and injury of civilians, including children, in the cities of Al-Zawiya and Al-Ajailat. Armed groups have targeted individuals because of their family or perceived political affiliations. Thousands of Libyans remain

illegally detained, including detainees have reportedly been tortured. They include people held solely based on their family or tribal identity, and many have been abducted for the purpose of exchanging them for fighters. Also among them are humanitarian workers. I was encouraged by the recent release of prisoners in various cities during the past weeks. However, all those illegally detained should be released without further delay. I have urged all parties to do so before the end of Ramadan. Such measures are not only a matter of human rights; they could also contribute significantly to facilitating the next phase of the political dialogue and to reconciliation.

I would be remiss if I did not mention the plight of foreign nationals, especially irregular migrants from sub-Saharan Africa, who remain vulnerable to killings, prolonged arbitrary detention, exploitation and sexual violence, among other abuses. A number of non-Muslim migrant workers remain missing after having being abducted around Sirte in previous months. I fear for their safety after Daesh released videos in February and April 2015 depicting the brutal killings of some 50 Christians.

The lack of security impedes the resumption of the work of the judiciary in Benghazi, Derna and Sirte. In Tripoli, the final session of the trial of Saif Al-Islam Al-Qadhafi, Abdullah Al-Senussi and 35 other former regime officials for violations committed during the 2011 conflict took place on 20 May, and the verdict is still expected on 28 July. Libya must overcome this dark chapter in its history by holding those responsible for serious crimes accountable in accordance with international standards for due process and fair trial.

The overall humanitarian situation continues to cause concern. The number of internally displaced persons has doubled since September 2014, and there has been an underfunded humanitarian response. Awbari, Ghat and other areas of the south that require assistance remain largely inaccessible to the international humanitarian community as a result of deteriorating security conditions.

Libya is at a critical stage, and it is my duty to seize this opportunity in addressing the Council to urge all parties in Libya to continue to engage constructively in the dialogue process. Spoilers should be held accountable because they bear the responsibility of hindering the political agreement. Once again, we must join together to send an unequivocal message that only through dialogue and political compromise can a peaceful resolution of the conflict be achieved. A peaceful transition will succeed in Libya only through a significant and coordinated effort in supporting a future Government of national accord and by ensuring that sufficient security is achieved in Tripoli and throughout the country so that the key functions of the public administration can resume. A Government of national accord is the only interlocutor through which the growing threat of Daesh and its affiliate groups can be effectively tackled.

I am confident that the international community is ready to offer the needed support based on the priorities that the Libyans will identify. The United Nations stands ready to work with the Libyans to ensure national ownership in that process.

The President: I thank Mr. León for his briefing and commend him and his team for the very valuable work they have been undertaking on behalf of the United Nations.

I now give the floor to Ambassador Ibrahim.

Mr. Ibrahim (Malaysia): In accordance with paragraph 24 (e) of resolution 1970 (2011), of 26 February 2011, I have the honour to report to the Security Council on the work of the Committee established pursuant to that resolution concerning Libya. My report covers the period from 5 March to 15 July 2015, during which time the members of the Committee met once in informal consultations.

At the outset, I would like to briefly touch upon the activities of the Committee related to the six recommendations contained in the final report (S/2015/128) of the Panel of Experts under resolution 2144 (2014) on which the Committee had agreed to follow-up action.

On 26 March, the Committee updated its sanctions list, incorporating information provided by the Panel on the existing entries in the list in its final report.

On 14 April, the Committee sent a letter to the Permanent Representative of Libya to the United Nations requesting to be informed about ports, oil fields and installations that are under the control of the Government of Libya, in the light of the measures put in place by resolution 2146 (2014) concerning attempts to illicitly export crude oil from Libya. On 22 April, the Permanent Representative of Libya provided relevant information. He further explained that the National Oil Corporation, represented by its head, who is based

in Benghazi, was the only body authorized to sell oil and gas. On 5 May, the Committee responded to the Permanent Representative of Libya and encouraged the Libyan Government to provide regular updates on this issue to the Committee.

On 16 April, the Committee dispatched a note verbale to all Member States drawing attention to two recommendations of the Panel related to arms brokering activities and cargo inspections, reminding Member States of their obligations under resolution 2213 (2015) regarding cargo inspections and encouraging Member States with the necessary expertise and resources to assist those Member States that lack the legal capacity to implement the assets freeze measure.

On 21 May, the Committee wrote to the Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, Mr. Bernardino León, regarding the facilitation of Panel access to Libya and invited him to brief the Committee. The Committee received a response on 9 June.

Allow me to now provide a brief overview of the Committee's other activities during the reporting period. On 16 April, the Committee approved the slate of proposed candidates to serve on the Panel of Experts on Libya during the period mandated by resolution 2213 (2015).

On 21 May, the Committee received a letter from the Panel containing an update on an investigation relating to the freezing of the assets of an individual, purportedly in relation to the Libya sanctions regime, but who had, in fact, not been designated under the assets freeze measure by the Committee.

On 2 June, the Committee started the consideration of proposals for the designation of two individuals under the assets freeze and travel ban measures. However, these proposals were subsequently put on hold.

On 8 June, the Committee held informal consultations to hear from the Panel of Experts on its work plan. The Committee further discussed the issue of sanctions designations.

Since the Chair's most recent periodic report to the Council (see S/PV.7398) in relation to the arms embargo, the Committee responded in two cases that the items to be supplied did not require approval, given that they constituted non-lethal military equipment under the terms of paragraphs 9 and 10, respectively, of resolution 2095 (2013). In the first instance, the Committee urged the supplying State and the recipient organization to exercise caution and due diligence to guard against possible misuse or diversion of the materiel. In the second, the Committee urged the recipient State to take all the necessary steps to guard against any possible diversion.

Furthermore, no negative decision was taken by the Committee in connection with an arms embargo notification under paragraph 13 (b) of resolution 2009 (2011). The Committee also started the consideration of an arms embargo exemption request, under paragraph 13 (a) of resolution 2009 (2011), as modified by paragraph 8 of resolution 2174 (2014), which was subsequently put on hold. The Committee further exchanged letters with four Member States in follow-up to a request for guidance on the arms embargo submitted by a Member State regarding non-lethal military materiel it had seized.

In relation to the assets freeze, the Committee responded to a request for guidance regarding an entity on its sanctions list and responded to a note verbale received from a Member State regarding a subsidiary of an entity on its list.

The President: I thank Mr. Ibrahim for his briefing.

I now give the floor to the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): At the outset, it is my pleasure to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. Allow me to thank Ambassador Ramlan Bin Ibrahim, Permanent Representative of Malaysia, for his report as Chair of the Committee established pursuant to resolution 1970 (2011), concerning Libya. I would also like to thank Mr. Bernardino León, Special Representative of the Secretary-General, for his important briefing. I congratulate him on his courage, persistence and patience. I would congratulate him and his team in particular for their achievements thus far in a complicated and difficult mission.

Allow me to stress to Mr. León that the Libyan Government supports the efforts that he and the United Nations Support Mission in Libya are making to assist Libyan parties in reaching full agreement on the various issues that would pave the way towards the creation of a Government of national accord, which would stem the bloodshed, enable Libya to emerge from its crisis, guarantee security for Libyan citizens and revive their hope of achieving what they fought for in the revolution of 17 February.

Allow me to begin by addressing the issue of the Sanctions Committee. Regrettably — and I would say this frankly — the Committee has indirectly contributed to continuing instability and further entrenched terrorism in Libya by insisting on an undeclared veto on providing weapons to the Libyan army, in contradiction of paragraph 7 of resolution 2214 (2015), in which the Council:

> "Calls upon the Committee established pursuant to paragraph 24 of resolution 1970 (2011) to consider expeditiously requests under paragraph 8 of resolution 2174 (2014) for the transfer or supply of arms and related materiel, including related ammunition and spare parts, to the Libyan Government for the use by its official armed forces to combat ISIL, groups that pledged allegiance to ISIL, Ansar Al Charia, and all other individuals, groups, undertakings and entities associated with Al-Qaida operating in Libya".

The practices of the Sanctions Committee are in full contradiction with the provisions of that paragraph. The Libyan Government's request to the Committee on 26 February 2015 was met with a decision three weeks later by the Committee that it was to be put on hold until further information was provided. On the very next day, 17 March 2015, we provided the information requested by the Committee. We stressed that delivery would be made based on payments over six months. Nevertheless, that request was totally ignored, and we have yet to receive a response from the Committee. This shows clearly that there is a premeditated effort to hamper the efforts of the Libyan Government to strengthen its capacity to combat terrorism and extend its authority to all of Libyan territory.

Regrettably, there is also a communication problem between the Committee and the Libyan Mission. For example, a proposal was made to list Libyan citizens on the sanctions list without officially notifying the Libyan Mission or seeking the opinion of the Libyan Government on the accuracy of the information provided, or indeed as to whether the timing was appropriate for the Security Council to take such a step.

To date we have not indicated that the procedures of the Committee serve the interests of the Libyan people. One month after a request was made for exception from the arms embargo, although we responded to all clarification requests and indeed suggested that observers be dispatched to ensure that weapons would be delivered only to regular army units, we have not obtained agreement. We hope that the Committee will change its practices and take into consideration the fact that transparency and cooperation with the Missions of the States concerned, and, indeed, respect for all the provisions of the relevant Security Council resolutions, is the ideal way to make the sanctions regime effective and to ensure that any new sanctions, if imposed, are imposed correctly.

Libya has suffered four years of security and institutional chaos, a year of civil war and fratricide for no reason other than the wish of those who claim to represent Islam to hold onto power to control various institutions of the Libyan State and its resources. That has led to the displacement of one third of Libyan citizens, the wide-ranging destruction of infrastructure and grave losses in terms of State resources. Undoubtedly, the political agreement reached in Skhirat, Morocco, is a major achievement that paves the way for a peaceful solution that stresses the unity of the Libyan people and the integrity of Libyan soil and that ensures State sovereignty throughout its territory, preserves the rights of all Libyans, ensures the return of internally displaced persons and refugees to their homes in conditions of safety, and closes the door to any potential return of the previous regime or dictatorship, under any form.

Most Libyans undoubtedly welcome the agreement and look forward to the implementation of all its provisions as soon as possible. However, we must not look to the Skhirat agreement as being the goal; it is but a path to a goal, a path that is replete with obstacles that will require major efforts on the part of both the Libyan people and the United Nations to overcome.

There are personal interests, and there are extremist and terrorist groups that certainly do not believe in democracy or the nation State. Some of those remain a core component within the Libyan Dawn militia alliance, which controls and occupies the capital, Tripoli, refuses to sign the agreement and indeed bets on its failure.

Therefore the agreement remains conditioned on the resolve of the international community in convincing all sides and compelling them to commit to the agreement. It depends on the efforts being made to implement it in good faith and providing a safe environment for the work of the Government of national unity. Furthermore, they need to provide support to the Government to accelerate the rebuilding of a strong army, under civilian control, as well as arming the

police and security forces and ensuring their return to work.

Some positive developments have taken place in the past few weeks. They make us more hopeful that common sense will prevail and that there will be a general commitment to the agreement and its implementation. I wish to mention the following points.

First, the Misrata brigades have withdrawn from the areas west of Tripoli. There is a popular movement in the city of Misrata calling for accord and for an end to war. There is a pragmatic, reasonable movement of accord among militias in the western part of the country, a part of which seems to include the beginning of the breakdown of relations between the Libya Dawn militias among extremists and moderates. However, there also seems to be an attempt to abort that movement by stressing the association among moderates and extremists. Indeed, the Italian television station Canale 7 recently broadcast a report stressing that weapons continued to flow across the sea from Misrata to the extremist militias that call themselves the Benghazi Revolutionaries Shura Council; that group includes Ansar al-Sharia and Al-Qaida elements, and it is a movement that since its creation has rejected democracy. That is clear from the report of the Panel of Experts (S/2015/128).

The second element is an agreement between certain militias in the western region to cease hostilities and to allow the deployment of the army and the police in some areas, as well as an exchange of detainees, and allowing the army to enter three areas without a shot being fired.

Thirdly, there is discord and infighting between the Daesh militias and the Al-Qaida-associated militias in the city of Derna, although they have similar ideologies and they continue to be allied in other areas against the army, particularly in Benghazi.

Unlike the Daesh militias, the Al-Qaida-associated militias are present in a number of Libyan cities, whether as individual militias or within the so-called Mujahedeen Consultative Council. They have strong support in terms of money and weapons from illegitimate authorities in the capital, Tripoli, and certain States, and they obtain funds from the Libyan central bank. There is no doubt that some members of the Security Council are well aware of who leads Al-Qaida in Libya, who provides weapons to Al-Qaida and, indeed, who supports its political leadership. Surely this must end.

The alliance of malevolent forces from abroad has been able to deceive many Libyan youths by raising fears of the return of the previous regime, calling for respect for, and the application of, the rules of Islam, and by tempting them with money. They have made them fodder for a savage war against the State — against their very brothers — with the aim of ensuring that terrorism could ultimately strengthen its hold over the Libyan people, throwing Libyans from their homes, stealing their money and destroying their property, and ultimately occupying the capital. Having failed to achieve any measure of success in the elections, they have also resorted to every means to destroy the elected Assembly of Deputies. Perhaps it is a source of optimism that certain militias and some youths have come to realize the facts of the matter and have begun to disassociate themselves from extremist militias associated with the Islamic State in Iraq and the Levant, Al-Qaida and even Ansar al-Sharia. We hope that the establishment of a Government of national unity will be a historic opportunity for all Libyans to reaffirm their love for their homeland, their mutual respect and their desire for reconciliation and tolerance with their brothers, and their wish to heal the wounds of the nation and come together to save the country from the mire of terrorism and backwardness and turn towards a better future for all.

Combating terrorism cannot entail just an ad hoc response to attacks and criminal acts by terrorist groups. Fighting terrorism must be based on a clear strategy and policy built upon a real awareness of the threat. That implies mobilizing all material and human resources in every Libyan city in order to combat terrorist groups and thwart all individuals, States and entities that provide assistance and support to terrorists. The time has come for the Security Council to realize the difference between those who fight to uproot terrorism as a strategic choice in the interests of the entire Libyan people — and who say so clearly and honestly, as is the case in Benghazi — and those who have been forced to become involved with terrorist groups because they have been coerced or because they seek to safeguard their spheres of influence, as is the case in Sirte. Every passing day without Libyan unity in combating terrorism, without facilitating the provision of weapons to the Libyan army and without concrete support from the international community to the legitimate authorities, serves as another opportunity for terrorist groups to become stronger by acquiring ever more weapons and drawing in more foreign fighters to Libya.

The longer that the Security Council turns a blind eye to the support provided to terrorist groups in Libya by certain countries, the more the Libyan crisis will escalate, the more the threat to neighbouring States will increase and the more distant the hope for achieving the aspirations of the Libyan people as expressed by way of their revolt against dictatorship.

Regrettably, the extremists and their allies have thus far refused to sign the Skhirat agreement. They have been emboldened by the foot-dragging in the Security Council on the issue of arming the Libyan army, by the fact that they are receiving more money and weapons from their allies abroad and by the emerging desire of the legitimate Government to avoid the use of force to re-enter the capital and extend its authority over all of Libyan territory. We hope this situation will change through the taking of effective and practical steps by the Security Council and the international community as soon as possible to strengthen the capacities of the Libyan army and by becoming directly involved in combating terrorism.

The President: I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.55 a.m